

## REMARKS

Claims 1-19, 21-24, and 38-50 are pending in the application, claim 20 being canceled herein. Claims 25-37 were previously canceled. Claims 1, 38, 39, and 47 are the only independent claims.

### *Specification*

The specification has been amended herein to provide antecedent support for an alternate description of the bends 52, 54 introduced herein into the independent claims. The amendments to the specification serve to more precisely define applicant's device. The amendments are not considered to constitute new matter inasmuch as the added language merely describes more precisely what is shown in the drawings.

### *Claims Rejections - 35 U.S.C. §§ 102 and 103*

Claims 1-24 and 38-50 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,348,056 to Bates et al. ("Bates") or U.S. Patent No. 6,007,546 to Snow et al. ("Snow").

**The Invention** Applicant's invention is directed to a medical snare for use particularly in severing polyps in the colon. Applicant's snare has been successfully used and provides several advantages over similar devices. Applicant's snare effectively incorporates two snares in a single device, thereby precluding the need to use two differently sized snare instruments in the same procedure. Applicant's snare reduces time on the operating table, thereby decreasing anesthesia time and reducing the discomfort and risk to the patient. In addition, because only one snare is necessary, rather than two or more, applicant's invention reduces equipment costs. A hospital needs to stock only half as many snares and use half as many snares in a colonoscopy

where multiple polyps of different sizes are found. This cost savings affects the hospital, and, of course, is carried over to the patient and to society at large.

**Present Amendments** All of the independent claims have been amended herein to incorporate the subject matter of claim 20, namely, that at least one loop section includes a *bend or kink* between the respective notch or dent (indentation or dimple) and the primary bend (generally at the distal end of the loop, in a nose of the loop). This bend or kink, particularly when provided in each of the distal loop sections, enables a marked enlargement of a distal lobe of the loop relative to a proximal lobe. More significantly, the bend or kink facilitates a proper formation of a second, smaller loop when the proximal loop section is withdrawn into the tubular member or catheter so that the dents or notches are seated on the annular edge at the mouth of the tubular member or catheter. Applicant's bends or kinks ensure that the distal loop section is fully open in the partially withdrawn configuration of the loop and thus facilitates the capture or severing of smaller polyps.

The word "kink" is added herein to clarify that the ancillary bends 52 and 54 (ancillary to the nose bend at the distal end of the loop), as described in original claim 20, are sharper, i.e., of smaller radius of curvature, than the gradual curves otherwise extant in the distal loop sections, between the inwardly pointing notches or dents and the nose bend.

Neither Bates nor Snow discloses or suggests a bend or a kink disposed in a distal loop section, between an inwardly pointing notch or dent on a proximal end and the nose bend at the distal end of the loop. Bates discloses a loop with two lobes (22 and 24) defined in part by two inwardly pointing notches or dents. Between those notches or dents, on a proximal side, and the nose bend on a distal side, the legs (21) of the loops are smooth curves without bends or kinks as claimed by applicant. Snow similarly discloses a loop (550) with two lobes defined in part by

two inwardly pointing notches or dents (548). Between those notches or dents, on a proximal side, and the nose bend on a distal side, the loop sections are smooth curves without bends or kinks as claimed by applicant.

The claim amendments, if any, made herein are made without prejudice to applicants' right to pursue additional subject matter in a separate continuation or divisional application.

*Conclusion*

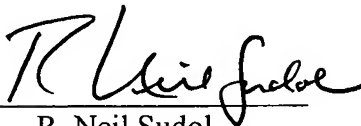
For the foregoing reasons, independent claims 1, 38, 39, and 47, as well as the claims dependent therefrom, are deemed to be in condition for allowance. An early Notice to that effect is earnestly solicited.

The present amendments could not have been made at an earlier time owing to the citation of Bates and Snow only in the final Office Action. Applicant was otherwise unaware of those references.

Should the Examiner believe that direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

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Dated: January 19, 2006